

MELINDA HAAG, CSBN 132612
 United States Attorney
 JOANN M. SWANSON, CSBN 88143
 Assistant United States Attorney
 Chief, Civil Division
 MELANIE L. PROCTOR, CSBN 228971
 Assistant United States Attorneys

 450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102
 Telephone: (415) 436-6730
 FAX: (415) 436-7169
 E-mail: melanie.proctor@usdoj.gov

Attorneys for Respondents¹

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

VICTOR MANUAL ROSALES,)	No. C 11-4246 LHK
)	
Petitioner,)	
)	
v.)	STIPULATION TO BRIEFING
)	SCHEDULE AND PROPOSED ORDER
TIMOTHY AITKEN, Director of San)	
Francisco Office of Detention and)	
Removal, United States Immigration and)	
Customs Enforcement; <u>et al.</u> ,)	
)	
Respondents)	
_____)	

The Petitioner, by and through his attorney of record, and Respondents, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to the following briefing schedule, in light of the following:

1. On August 7, 2003, Petitioner was ordered removed from the United States. Petitioner is currently not in custody, but is on the Intensive Supervision Appearance Program (“ISAP”).
2. On August 26, 2011, Petitioner and his wife filed a motion to reopen with the Board of Immigration Appeals (“BIA”). They also moved for a stay of removal.
3. On August 29, 20011, Petitioner filed the instant Petition for a Writ of Habeas Corpus,

¹Respondents reserve the right to raise all available defenses in their responsive pleading.
 STIPULATION TO BRIEFING SCHEDULE
 No. C 11-4246 LHK

1 and an emergency motion for a temporary restraining order (“TRO”), with this Court.

2 4. The parties stipulate that Petitioner will not be removed from the United States for thirty
3 days. The parties further agree to the following briefing schedule for both the TRO motion and the
4 habeas petition because the issues are identical:

5 Last day for Respondents to file Return and Opposition to TRO: September 7, 2011

6 Last day for Petitioner to file Traverse and Reply to Opposition: September 14, 2011

7 To avoid the need for an emergency motion, the parties respectfully request that the Court inform them
8 if it will be unable to reach a decision before September 28, 2011, the date when the stipulated stay
9 will expire.

10 Date: August 29, 2011

Respectfully submitted,

11 MELINDA HAAG
12 United States Attorney

13 /s/
14 MELANIE L. PROCTOR²
15 Assistant United States Attorney
Attorneys for Respondents


16 Dated: August 29, 2011

17 /s/
18 ZACHARY NIGHTINGALE
Attorney for Petitioner

19 **PROPOSED ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

20 Dated:

21 
22 LUCY H. KOH
United States District Judge

23
24
25
26
27
28 ²I, Melanie L. Proctor, hereby attest that I gained the concurrence in the filing of this
document of all parties whose signatures are indicated by a “conformed” signature (/s/).